SECTION 6

Land Limitation Element

Goal of This Planning Element:

To ensure that the proposed solid waste handling facilities are sited in areas suitable for such developments, are compatible with surrounding uses and are not considered for location in areas which have been identified by the local government or multi-jurisdictional area as having environmental or other land limitations.

Solid waste disposal facilities and other solid waste handling facilities should be located where they have minimum adverse effects on the community and the environment. These facilities can include, but are not limited to, recycling, recovery, composting, transfer station, or solid waste disposal/handling facilities. This section does not attempt to identify any site as acceptable, nor does it identify any site as unsuitable based on the criteria discussed herein. Rather, this section outlines the limitations that the City will consider during the siting of a new solid waste management facility or the expansion of an existing solid waste management facility. The limitations identified below do not exclude the development of a facility in an area where the limitations occur; rather, the limitation or concern must be considered, and if possible, mitigated when siting a facility. Locations for facilities must be chosen on a site-specific basis. Maps of all significant environmental and cultural resources are presented in the *City of Atlanta Comprehensive Development Plan 2004*-2019 and are available for review at the SWS offices.

The following subsections discuss items that the City will consider during the siting of solid waste management facilities in accordance with City, State, and Federal guidelines. The subsections include:

- Natural Environmental Limitations
- Land Use Limitations
- Disproportionate Environmental Impacts
- Other Regulatory Requirements for Solid Waste Facility Siting
- Procedures to Establish Consistency with Comprehensive SWMP
- Needs and Goals

6.1 Natural Environmental Limitations

The following subsections describe regulations that govern the location of solid waste facilities in environmentally sensitive natural areas. These areas include floodplains, wetlands, groundwater recharge areas, water supply watersheds, river corridors, protected mountains, fault zones, seismic zones, and unstable areas (karst areas). When siting a solid waste handling facility, it is the City's goal to adhere to the Federal, State, and local regulations outlined below. In areas where these natural areas cannot be avoided, the City will follow the mitigation plans and procedures outlined and approved by the appropriate regulatory and permitting agencies.

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6.1.1 Floodplains

Floodplains are defined as lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands that are inundated by the 100-year flood. A 100-year flood is one that has a 1 percent or greater chance of recurring in any given year, or a flood of a magnitude equaled to or exceeded once in 100 years on the average over a significantly long period. Floodplains in Atlanta are primarily associated with the many creeks and tributaries of the Chattahoochee River and the South River (Figure 6-1). Some of the major streams are Nancy Creek, Peachtree Creek, Proctor Creek, Utoy Creek, and Camp Creek.

Floodplains provide three key functions: (1) natural water storage and conveyance, (2) water quality maintenance, and (3) groundwater recharge. The Federal Emergency Management Agency (FEMA) has developed official floodplain maps which show areas that are prone to flooding. These flood hazard district maps have been incorporated into and made a part of the City's official zoning map, as described in Section 16.02.004 of the City's Zoning Ordinance. Floodplain development is carefully reviewed in order to protect the functional integrity of floodplains as well as the health, safety, and property of the City's residents.

The State solid waste regulations (Georgia Department of Natural Resources [DNR] Rule 391-3-4-.05(1)(d) and the Federal Resource Conservation and Recovery Act (RCRA) Subtitle D restrict solid waste handling facilities from being located in areas that may restrict the flow of the 100-year flood, reduce temporary water storage capacity of the floodplain, or result in the washout of solid waste facilities so as to pose a hazard to human health and the environment.

6.1.2 Wetlands

Freshwater wetlands are defined by Federal law as those areas that are inundated or saturated by surface- or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. According to the National Wetlands Inventory (NWI) maintained by the U.S. Fish and Wildlife Service (USFWS), wetlands within Atlanta occur generally in the areas along the Chattahoochee River and the City's major streams and creeks. Non-stream corridor wetlands, however, do exist in the City. Currently, the NWI Maps are the best source of information available on the location of wetlands in the City.

The DNR's Rules for Environmental Planning Criteria (DNR Rule 391-3-4-.05(1)(e) limit solid waste handling facilities from being sited in and near wetlands. These State regulations and Federal RCRA Subtitle D prohibit the location of landfills in wetlands unless very stringent conditions are met and demonstrations of site suitability are made. A development plan must be approved by the United States Army Corps of Engineers (USACE) prior to a wetland area being used for solid waste handling facilities.

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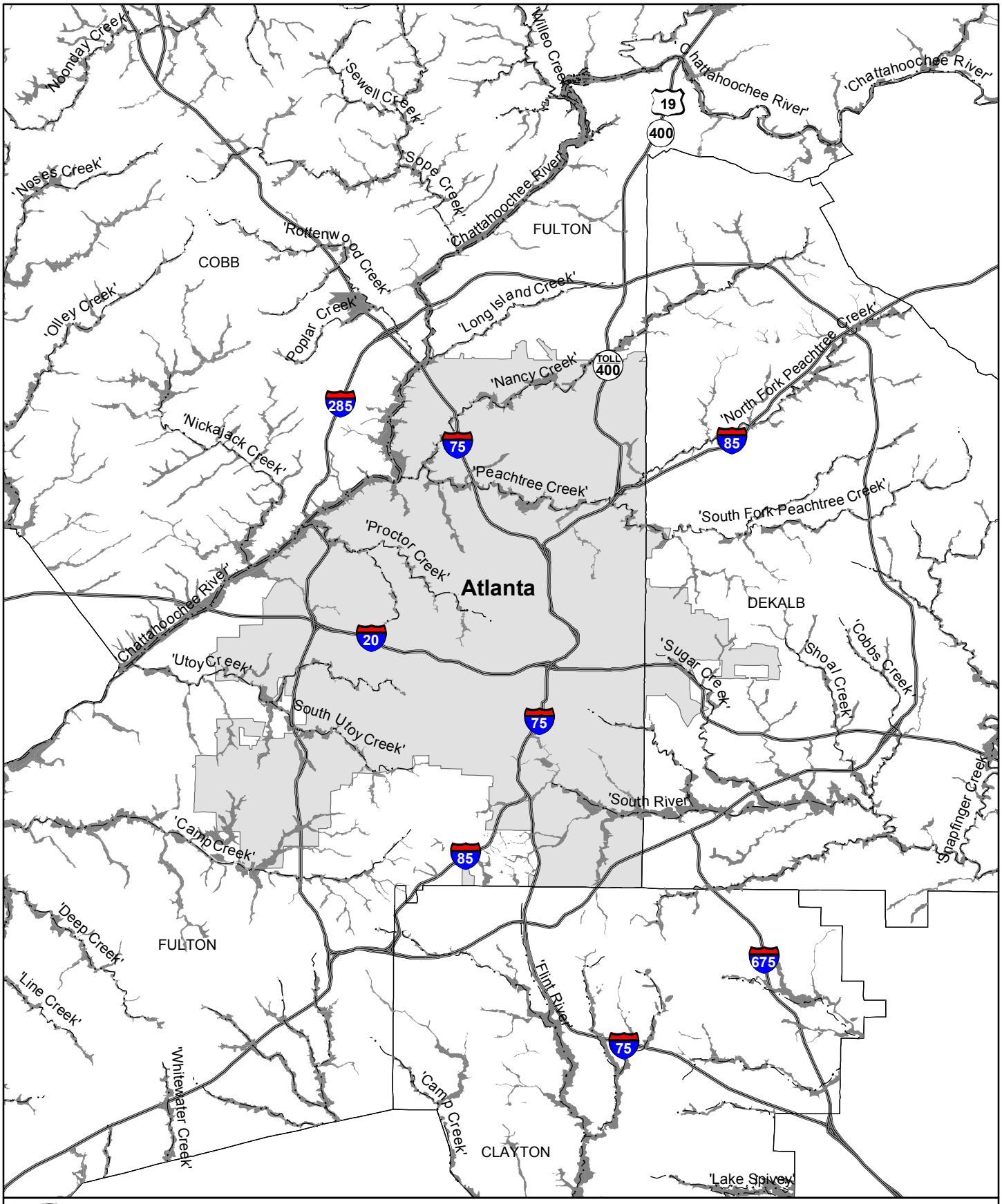

Figure 6-1
100 Year FEMA Floodplain
City of Atlanta
Comprehensive Solid Waste Management Plan

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6.1.3 Groundwater Recharge Areas

Groundwater recharge areas are defined as areas through which surface water travels to become a groundwater resource. These areas are shown on Hydrogeologic Atlas 18 of the Georgia Geological Survey (Figure 6-2). Groundwater recharge occurs when precipitation infiltrates soil and rock, adding to the volume of water stored in pores and other openings within the rocks. Most of north Georgia is underlain by crystalline rocks with complex geologic character and with little or no porosity within the rocks themselves. Significant recharge in the crystalline rock terrain of north Georgia occurs in areas that have thick soils or saprolite and relatively low (less than 8 percent) slopes.

The DNR Rules for Environmental Planning Criteria (DNR Rule 391-3-4-.05(l)(j) limit solid waste handling facilities from being sited in groundwater recharge areas. Groundwater recharge areas should be protected from potential contamination from solid waste handling facilities. State law requires that new solid waste landfills or expansions of existing facilities within 2 miles of a significant groundwater recharge area have liners and leachate collection systems, with the exception of facilities accepting waste generated from outside the county in which the facility is located. In that case, the facility must be completely outside of any area designated as a significant groundwater recharge area. If possible, groundwater recharge areas and the 2-mile buffer around them should be avoided, unless geological conditions indicate a groundwater flow that flows away from the groundwater recharge area.

For siting a solid waste handling facility, a hydrological site investigation must be conducted with the following issues evaluated per DNR Rule 391-3-4-.05(1)(k):

- Distance to the nearest point of a public or private drinking water supply: all public water supply wells or surface water intakes within 2 miles and private (domestic) water supply wells within one-half mile of a landfill must be identified.
- Depth to the uppermost aquifer: for landfills, the thickness and nature of the unsaturated zone and its ability for natural contamination control must be evaluated.
- Uppermost aquifer gradient: for landfills, the direction and rate of flow of groundwater shall be determined in order to properly evaluate the potential for contamination at a specific site. Measurements of water levels in site exploratory borings and the preparation of water table maps are required. Borings to water are required to estimate the configuration and gradient of the uppermost aquifer.

6.1.4 Water Supply Watersheds

Water supply watersheds for the metro Atlanta area are shown in Figure 6-3. Water supply watersheds are subject to the DNR Rules for Environmental Planning Criteria (DNR Rule 391-3-16.01). Under these criteria, water supply watersheds are defined as areas of the land that drain to a public drinking water supply intake. The City's public water supply intake is located on the Chattahoochee River just north of Peachtree Creek. Several other municipalities also have water supply intakes along the Chattahoochee River. Therefore, it is important to consider the following water supply watershed requirements when potentially siting a solid waste handling facility near the Chattahoochee River or its tributaries.

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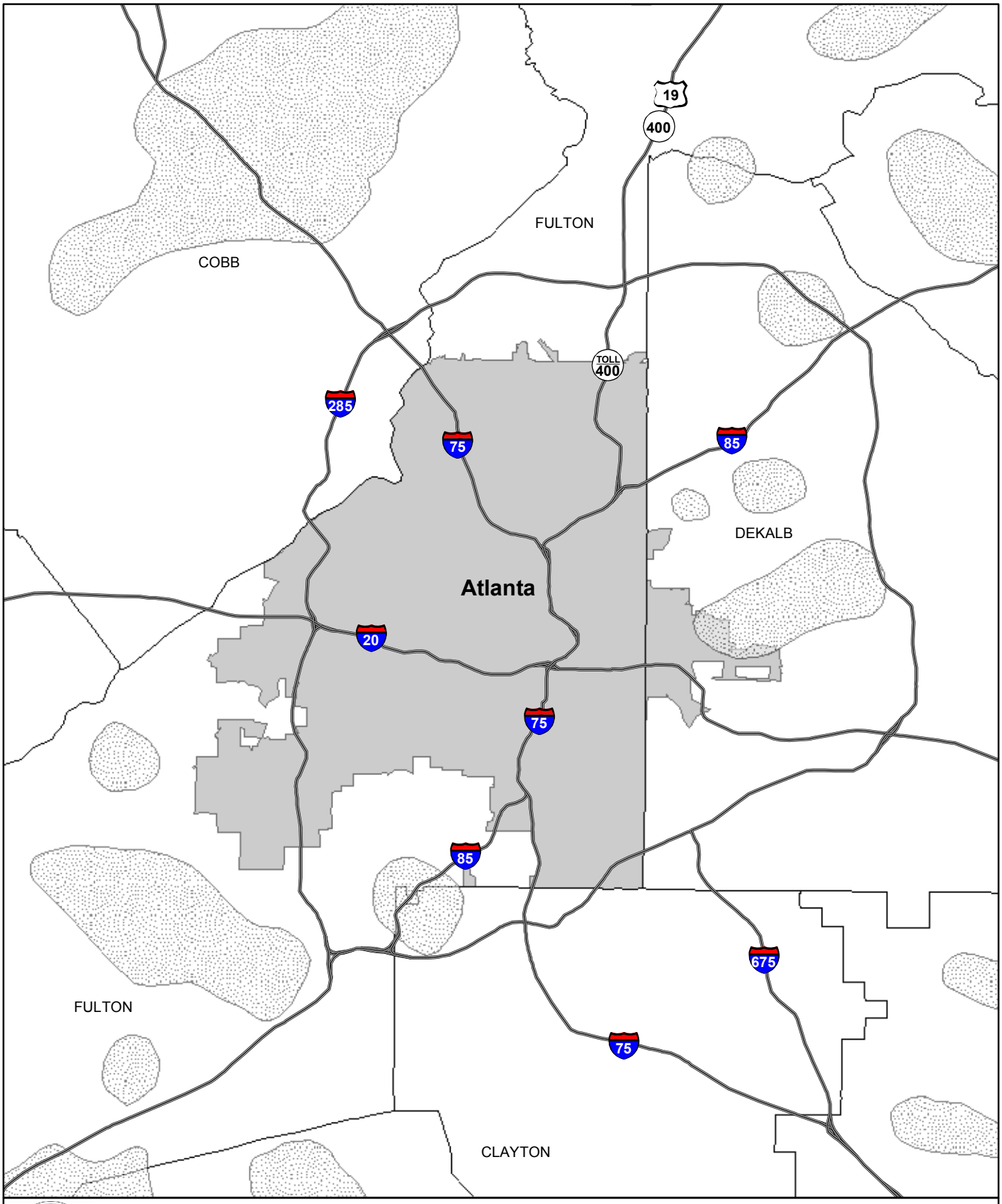

Figure 6-2
Groundwater Recharge Areas
City of Atlanta
Comprehensive Solid Waste Management Plan

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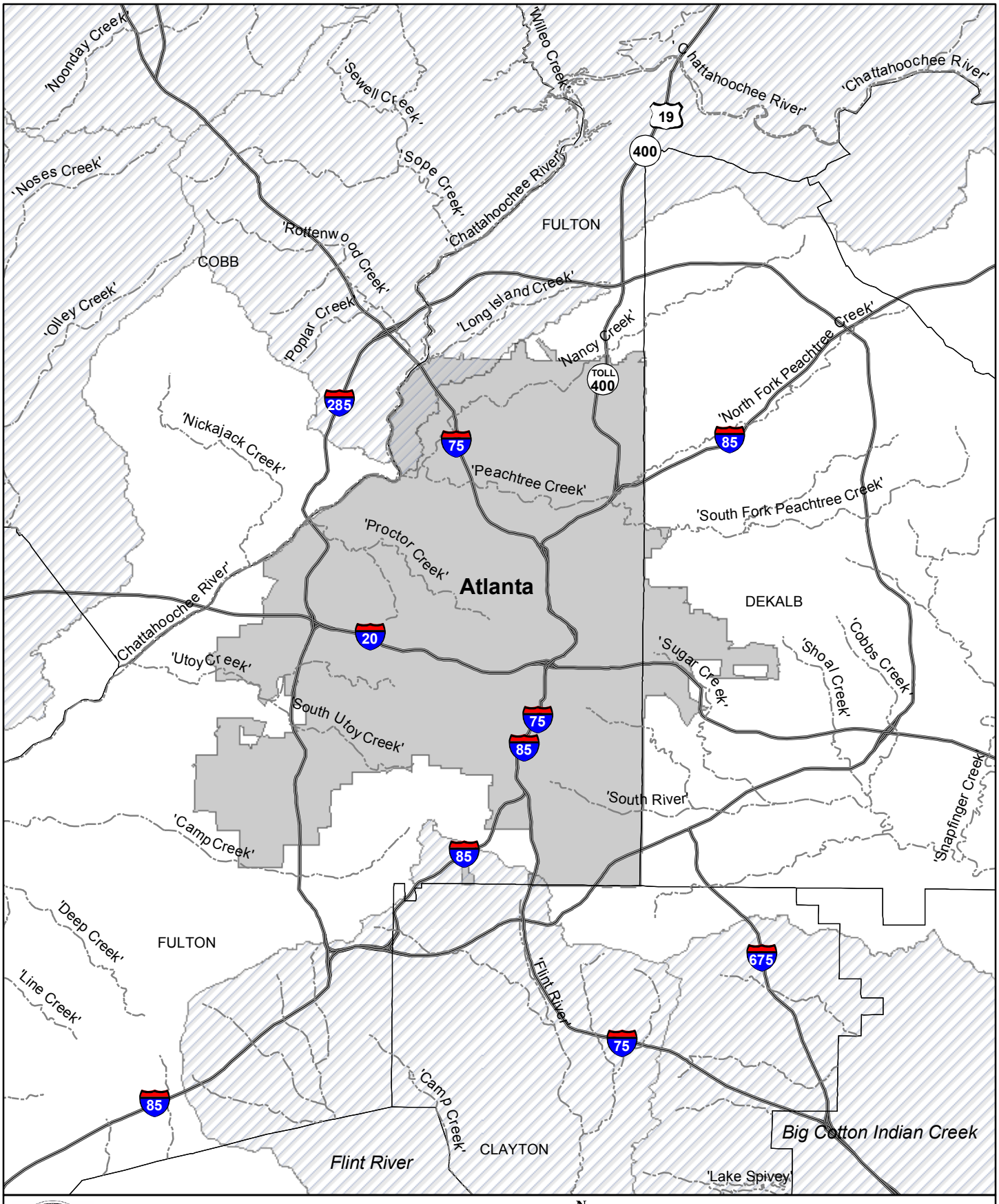

*Watershed data provided by Metropolitan North Georgia Water Planning District, District-wide Watershed Management Plan, 2003.

Figure 6-3
Water Supply Watersheds
City of Atlanta
Comprehensive Solid Waste Management Plan

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According to the DNR Rules for Environmental Planning Criteria Part V 391-3-16-01:

- No solid waste handling facility should be located in the 100-foot buffer on each side of the perennial streams 7 miles upstream from a water supply intake or reservoir (and a 50-foot buffer in small watersheds beyond the 7 miles).
- No solid waste handling facility impervious surface should be located in the 150-foot setback on each side of the perennial streams 7 miles upstream from a water supply intake or reservoir (and a 75-foot setback in small watersheds beyond 7 miles).
- For small watersheds (less than 100 square miles) new municipal solid waste landfills must have synthetic liners and leachate collection systems.
- No solid waste handling facility should be located in the 150-foot buffer surrounding water supply reservoirs.

Also, State regulations (DNR Rule 391-3-16.01) prohibit municipal solid waste landfills from being located within 2 miles upgradient of any surface water intake for a public drinking water source unless engineering modifications such as liners and leachate collection systems and groundwater monitoring systems are provided. Modern landfills are constructed with these engineered systems, so this restriction would not be applied.

6.1.5 River Corridors

Portions of the Chattahoochee River and its tributaries, such as Peachtree Creek, have been impacted as a result of urban growth and development. The natural ecology of the Chattahoochee River south of Peachtree Creek has been altered by invasive pest plants and incompatible land uses. The City of Atlanta, the ARC, the State of Georgia, and the National Park Service have several plans and initiatives focused on further protecting and preserving the Chattahoochee River Corridor.

The DNR Rules for Environmental Planning Criteria also protect certain designated river corridors (DNR Rule 391-3-16-.04(4)(h)). The Metropolitan River Protection Act (MRPA) was enacted in 1973 and established a 2,000-foot river corridor on both banks of the Chattahoochee River and its impoundments. The protected area includes the streambed and any islands, for the 48 miles of river between Buford Dam and Peachtree Creek (Figure 6-4). In 1998, the protected corridor was extended another 36 miles downstream to include Fulton and Douglas Counties. The MRPA required the ARC to adopt the Chattahoochee River Corridor Plan, which is implemented by local governments. The plan requires review of development and any other land-disturbing activity within the Chattahoochee River Corridor (Section 6.2.9).

6.1.6 Protected Mountains

DNR Rule 391-3-16.05(4)(1) prohibits the development of new solid waste landfills in areas designated as protected mountains. There are no protected mountains in the City of Atlanta.

6.1.7 Fault Zones, Seismic Impact Zones, and Unstable Areas (Karst Areas)

A hydrogeological assessment must be conducted at the location of any proposed solid waste disposal facility. Such an assessment must be performed under the direction of a

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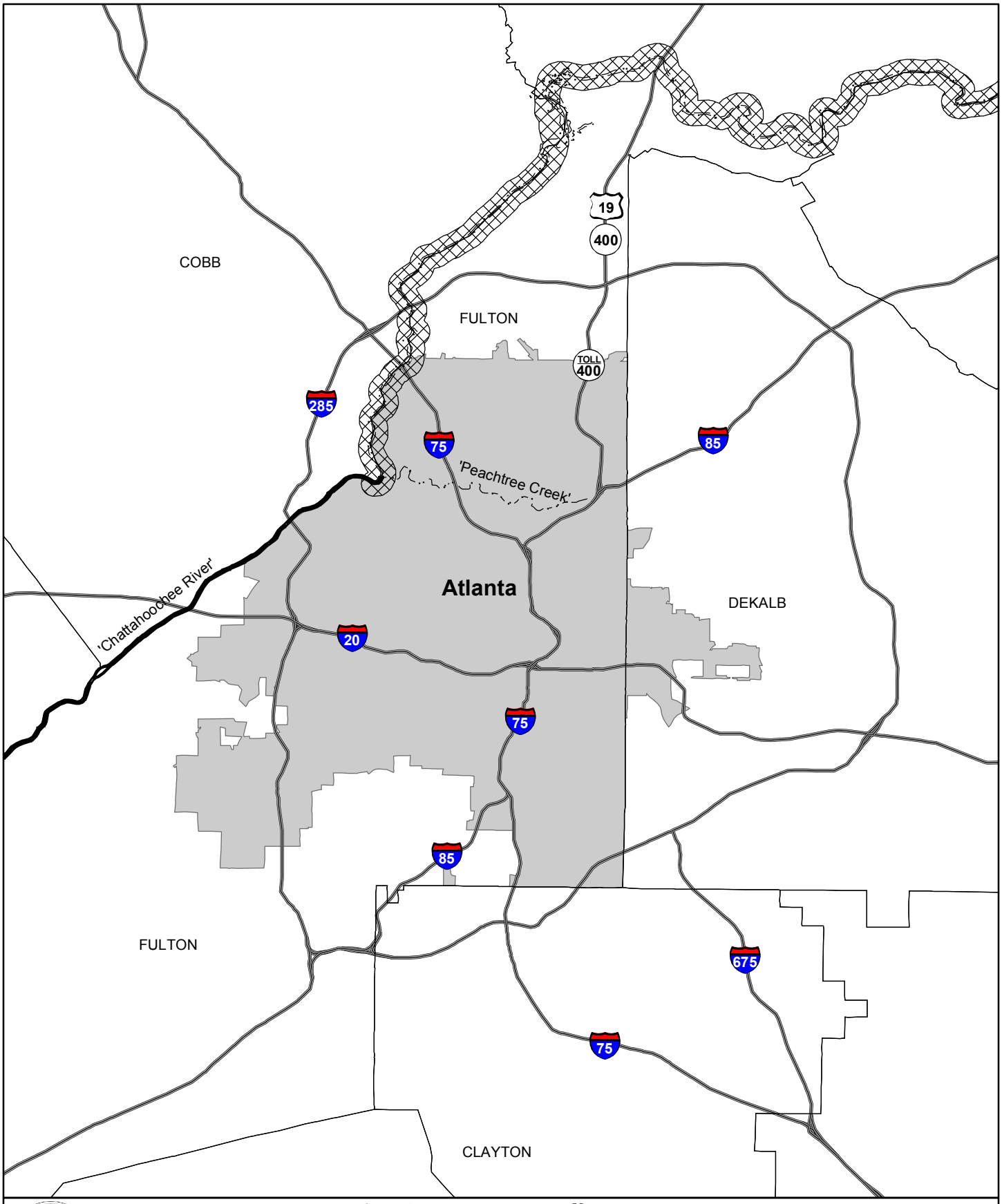

Figure 6-4
Chattahoochee River Protection Buffers
City of Atlanta
Comprehensive Solid Waste Management Plan

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registered geologist or professional engineer. Technical issues which involve seismic activity, fault lines, unstable areas, such as karst areas must be evaluated in the preliminary site selection phase. Any condition that would likely result in a release of pollution from a site may not receive EPD approval during the solid waste handling permitting process, unless mitigating or supplemental protection is provided.

A hydrogeological assessment is required to assess the potential risk of contamination of groundwater supplies by the proposed facility. Georgia EPD and the U.S. Geological Survey (USGS) require soil borings and a literature search to identify the potential geological issues in the area prior to permitting a disposal site.

DNR Rule 391-3-4-.05(1)(f) focuses on fault areas and requires that new landfill units and lateral expansions of existing landfills not be located within 200 feet of a fault that has had a displacement in Holocene time, unless an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill and will protect human health and the environment.

DNR Rule 391-3-4-.05(1)(g) prohibits the development of new landfills and lateral expansions of existing landfills in seismic impact zones, unless all landfill containment structures, including existing landfill liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

According to DNR Rule 391-3-4-.05(1)(h), existing landfills and lateral expansions of existing landfills located in an unstable area must demonstrate that engineering measures have been incorporated into the landfill's design to ensure that the integrity of the structural components of the landfill will not be compromised.

6.2 Land Use Limitations

The following subsections describe land use limitations and regulations that will be considered when siting a solid waste management handling facility. These issues include land use and zoning restrictions, historic sites, and archaeological sites, location of surface water intakes, airport safety restrictions, parks and nature preserves, scenic views, rare, threatened, and endangered species, Chattahoochee River protection criteria, and environmental justice issues.

6.2.1 Land Use and Zoning Restrictions

The City of Atlanta Code of Ordinances provides land use and zoning regulations that govern the siting of solid waste management facilities. The Code is updated periodically and the most recent edition is available in the Municipal Clerk's office. The Bureau of Buildings, Zoning Enforcement Division, provides zoning classifications for individual properties.

According to the City of Atlanta Code of Ordinances (Part 16, Zoning; http://www.municode.com/resources/gateway.asp?pid=10376&sid=10), solid waste facilities can only be sited in the Light (I-1) or Heavy Industrial (I-2) zoning districts as defined in Section 16-16.005 (Light Industrial District Special Permits) and Section 16-17.005

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(Heavy Industrial Districts Special Permits). Under each zoning category, the following uses are allowed under a Special Use Permit: sanitary landfill, compost facility, materials recovery facility, municipal solid waste disposal facility, processing operation facility, and solid waste handling facility. Special Use Permits are granted for uses that have substantial significance or unusual operational characteristics; therefore, siting restrictions are placed on the development of these facilities. Special Use Permits require approval by the City's Zoning Review Board and City Council through a formal public notice and public hearing process.

DNR Rule 391-3-4-.05(1)(a) requires that a site for a proposed solid waste handling facility conform to all local zoning/land use ordinances, and that written verification be submitted to Georgia EPD. A permit is required to operate a solid waste disposal facility in the City of Atlanta. Any person wishing to operate a solid waste disposal facility must obtain an annual solid waste disposal facility operating permit from the Commissioner of Public Works, with the approval of the City Council.

Prior to the City issuing a solid waste facility operating permit, the Department of Planning and Community Development must review and approve the project. Sections 130-63 and 64 of the Solid Waste Ordinance outline specific development standards that are required for solid waste facilities, which are defined as solid waste disposal facilities, solid waste transfer stations, and processing and handling facilities. For solid waste disposal facilities, a proposed land use and mitigation plan must be submitted to the Planning Commissioner which specifies the anticipated future use of the property upon termination of solid waste disposal activities. This anticipated use must be consistent with the Comprehensive Development Plan and this Comprehensive SWMP, both of which are adopted by the City Council. The proposed land use and mitigation plan must also include provisions for the property owner to create a reserve fund, estimates of capital expenses, and site compatibility report.

The site compatibility report includes a site survey showing ownership, zoning, and a detailed engineering plan. This engineering plan includes an operation plan, availability of water supply, equipment type, fire, nuisance, water pollution, odor and vermin control plans, earthwork and fill operations plan, and a hydrologic survey. Other solid waste disposal requirements include a processing fee and proof of financial ability to perform under the terms of the permit. Solid waste disposal facility permit applicants must also demonstrate compliance with buffer requirements for building setbacks, road requirements, monitoring well requirements, vegetative buffers, and vehicular access.

Requirements for solid waste transfer stations and solid waste processing and handling facilities are very similar to the solid waste disposal facility permit requirements. Permitting for these facilities requires an annual permit fee, quarterly inspections, zoning requirements of Industrial-1 and Industrial-2 categories, special land use permit approval from the Commissioner of the Department of Planning and Community Development and preparation of a site compatibility report. Similarly, the solid waste transfer station operating permits require that buildings be enclosed and that an operator be onsite when the facility is in operation. Additionally, solid waste transfer stations are subject to buffer zone, building setback, and access road requirements.

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6.2.2 Historic Sites

The National Historic Preservation Act (NHPA) of 1966 (16 United States [Code] USC 470 et seq., as amended) provides policy for the protection of historic resources from adverse impacts associated with federal actions. The Protection of Historic Properties (36 Code of Federal Regulation [CFR] 800) provides specific procedures that federal agencies or local governments implementing federally funded projects must follow, such as consultation with the Georgia Division of Historic Preservation, to ensure compliance with the NHPA.

The National Register of Historic Places (NRHP) is the country's official list of historic places worthy of preservation. In Georgia, this list is maintained by the Georgia Division of Historic Preservation. Historic sites listed on the NRHP must meet specific criteria set forth by the Advisory Council on Historic Preservation. These criteria generally include the following: properties must be at least 50 years old, have physical integrity, and be significant for at least one of four broad criteria.

No solid waste handling facility should be located in, adjoin, or negatively impact a district or site on or potentially eligible for the NRHP. O.C.G.A § 12-8-25.1 states that in order to preserve historic sites and their natural and built environments, no permit shall be issued for a solid waste disposal facility within 5,708 yards of the geographic center of any of the three sites currently designated in Georgia as a National Historic Site. Specific information on these historic sites can be obtained from the Georgia Division of Historic Preservation.

Projects which could impact a historic site within the City of Atlanta must also be reviewed by the Atlanta Urban Design Commission. Prior to approving the siting of a solid waste management facility, the City will consult with the Atlanta Urban Design Commission and review the City's list of historic properties, Atlanta's Lasting Landmarks, and the NHRP. Consultation with the Georgia Division of Historic Preservation may also be required if the project is federally funded or if the project has the potential to impact a site on or potentially eligible for inclusion on the NRHP.

Since the City's current Historic Preservation Ordinance was enacted in 1989, 53 individual buildings and 12 districts have been brought under its protection. These sites include 44 landmark buildings or sites, 1 honorary landmark (the Georgia Capitol), 8 historic buildings, 7 landmark districts, 4 historic districts, and 1 conservation district. A complete list and maps showing the geographic locations of historic sites in Atlanta can be obtained from the Atlanta Urban Design Commission.

6.2.3 Archaeological Sites

The Archaeological Resources Protection Act of 1979 requires federal agencies or local governments utilizing federal funds to conduct archaeological investigations on lands under their jurisdiction to determine the nature and extent of the protected cultural resources present. Therefore, no solid waste handling facility should be located so as to negatively impact an area of concentrated or known archaeological sites on file with the Georgia Archaeological Site File (GASF). Located at the University of Georgia, the GASF is the official repository for information about known archaeological sites in the state of Georgia. Because specific information concerning the location and contents of archaeological sites is protected by Georgia Code (O.C.G.A. § 50-18-72 [a] [10]), direct access to the complete information held by the GASF is restricted to qualified archaeologists and archaeology

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students. If a facility siting has the potential to impact an area of concentrated or known archaeological sites, then consultation with the State Archaeologist and the State Historic Preservation Office (SHPO) would be required.

6.2.4 Surface Water Intakes

The Chattahoochee River serves as the primary water source for numerous municipalities in the Atlanta metropolitan area. Several surface water intakes are located along the Chattahoochee River, including the City of Atlanta's water intake. According to the Georgia DNR Rule 391-3-16-.01, solid waste landfills must have engineered modifications such as liners, leachate collection systems, and groundwater monitoring systems if they are to be located within 2 miles of a surface water intake for a public water source. Unless such a location is the only feasible location, other locations should be considered.

6.2.5 Airport Safety

Georgia (DNR Rule 391-3-4-.05(1) (c) and Federal RCRA Subtitle D require that municipal solid waste landfills not be located within:

- 10,000 feet of any runway used or planned to be used by turbojet and piston-type aircraft, and
- 5,000 feet of any runway used or planned to be used by piston-type aircraft only.

Also, as required by RCRA Subtitle D, owners or operators proposing to site new solid waste landfills and lateral expansions for landfills within a 5-mile radius of any airport runway used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA) (Figure 6-5).

Hartsfield-Jackson Atlanta International Airport is the primary airport in Atlanta. It is located approximately 10 miles south of downtown Atlanta and is one of the world's busiest airports. Other airports in the Atlanta vicinity include Fulton County Airport-Brown Field, which is located immediately west of the Atlanta city limits near the intersection of I-20 and I-285, and Peachtree DeKalb Airport, which is located on Clairmont Road in DeKalb County, northeast of the City of Atlanta. Additionally, Dobbins Air Reserve Base is located north of the city limits near the intersection of I-75 and I-285.

6.2.6 Scenic View or Vista

No solid waste handling facility should be located in such a way as to negatively affect a scenic view or vista. Potential impacts to scenic views or vistas will be evaluated by the city on a site-specific basis for any site proposed as a solid waste handling facility. The City Comprehensive Development Plan has not identified any scenic views or sites requiring special management.

6.2.7 Parkland and Nature Preserves

The City has approximately 3,200 acres of parkland that represents 3.78 percent of the City's total geographic area (CDP, 2004). Park land in the City serves not only as recreational greenspace, but also as important natural resource areas that serve critical environmental functions. Eighty-five percent of the City's parks are located along streams in floodplain and

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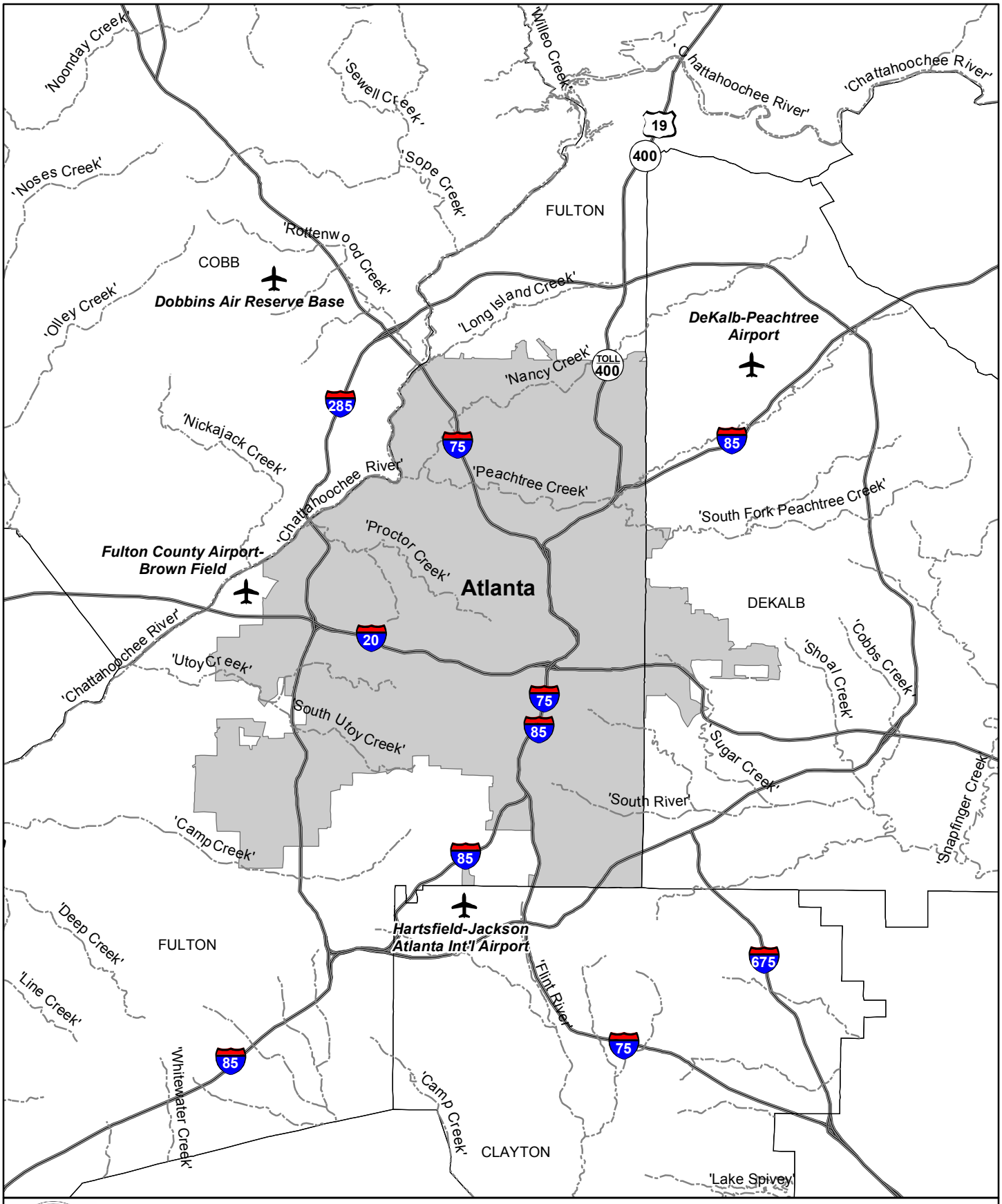

Figure 6-5
Airports in the Atlanta Region
City of Atlanta
Comprehensive Solid Waste Management Plan

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wetland areas, in areas with steep and rocky topography, or in other environmentally sensitive areas (Figure 6-6). The City of Atlanta's park inventory also includes four nature preserves: North Camp Creek, Cascade Springs, Daniel Johnson Park, and the Outdoor Activity Center. Additionally, the National Park Service operates the Chattahoochee National Recreation Area, which extends from Buford Dam in Gwinnett County south to Peachtree Creek in the City. The City has also established a Greenway Corridor Plan to acquire greenspace within the City (Figure 6-7). In addition, the City is undertaking a $25 million Greenway Acquisition project in the 14-county metro region as a result of the 1998 Combined Sewer Overflow Consent Decree. No solid waste handling facility should be located in, adjoin, or negatively impact a nature preserve or City park land.

6.2.8 Habitat of Rare, Threatened, and Endangered Plants, Animals, and Biological Communities

No solid waste handling facility should be located in such a way as to result in the destruction of the habitat of rare, threatened, and endangered plants, animals, and biological communities as identified by the Georgia DNR's Natural Heritage Program. If a facility siting has the potential to impact the habitat of rare, threatened, and endangered plants, animals, and biological communities, then the City will consult with Federal wildlife agencies to determine a course of action.

6.2.9 Chattahoochee River Corridor

In order to protect the water quality of the Chattahoochee River and its scenic vistas, portions of the Chattahoochee River corridor are protected under the Chattahoochee River Corridor Plan. Required by the MRPA (Georgia Code 12-5-440), the plan restricts the development of new or expansion of existing solid waste handling facilities within 2,000 feet of the river and its impoundments. No new or existing solid waste disposal facilities are allowed within the 640 feet beyond the 2,000-foot corridor, where the river is a boundary between two counties, without the approval of the adjoining county.

Portions of the Chattahoochee River Corridor south of Peachtree Creek that are located within 100 feet of the river are restricted from new or expanded solid waste handling facilities. In areas where the river functions as a county boundary, no new or existing solid waste disposal facilities are allowed to expand into the 2,540-foot area located beyond the 100-foot corridor without the approval of the adjoining county. The City will ensure compliance with the MRPA in siting a new solid waste handling facility.

6.3 Disproportionate Environmental Impacts

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority and Low Income Populations." Through this Executive Order, the President directed the Environmental Protection Agency to ensure that agencies analyze the environmental effects on minority and low-income communities, including human, health, social, and economic effects. As a recipient of Federal funds, the City of Atlanta must ensure that Environmental Justice concerns are addressed.

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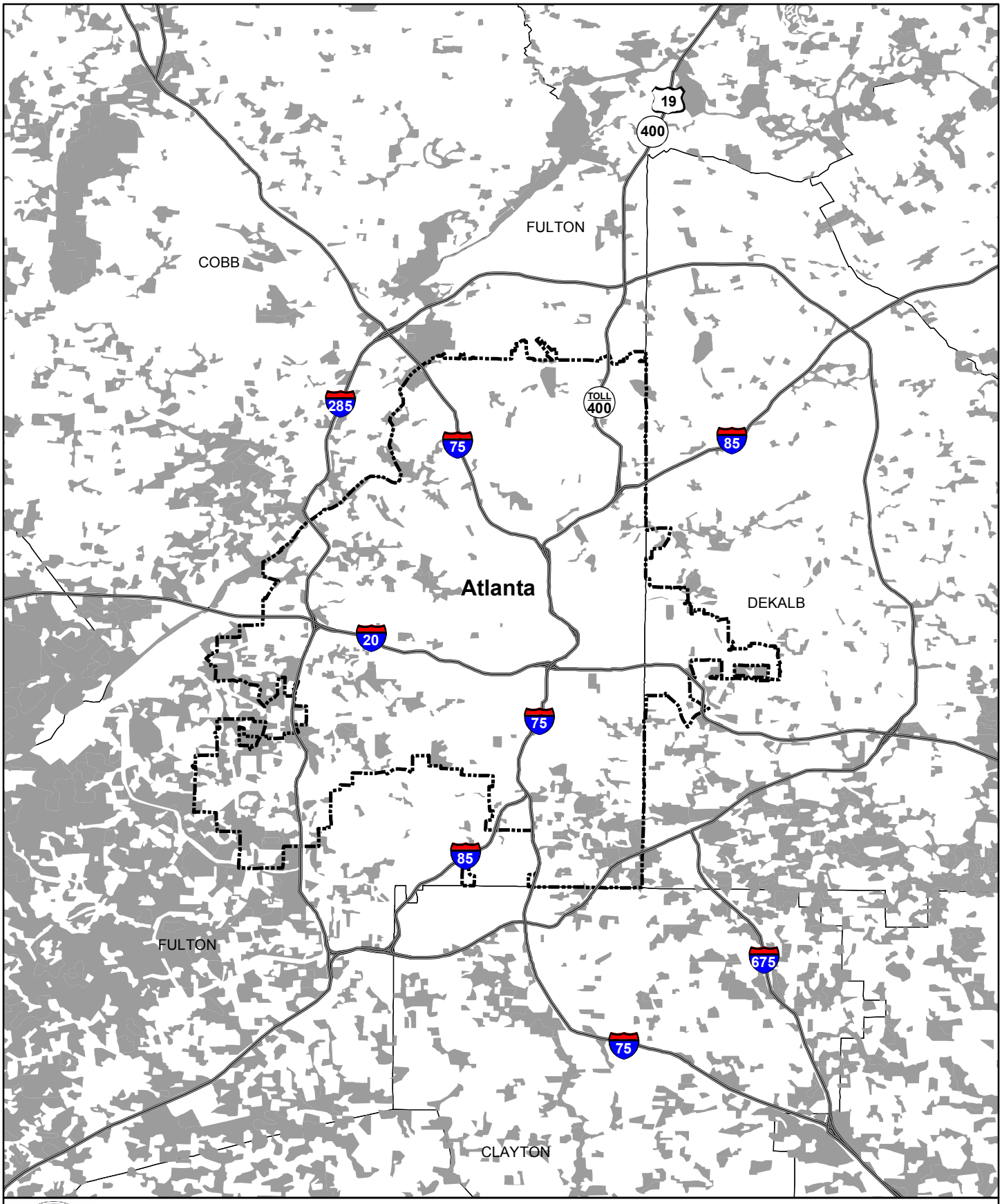

Figure 6-6
Conservation Areas and Greenspace
City of Atlanta
Comprehensive Solid Waste Management Plan

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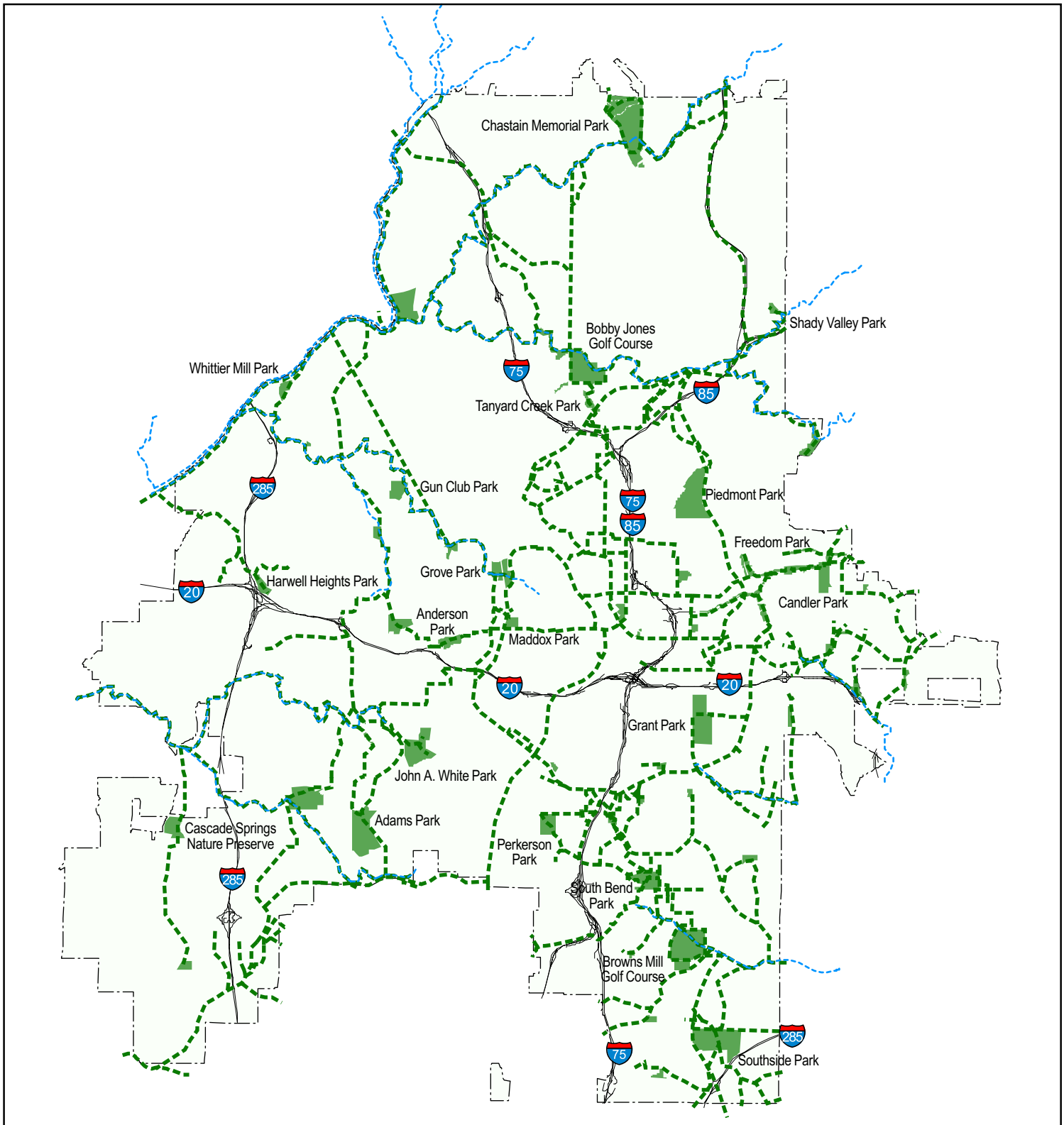

Legend

- Interstate
- Major Park
- Proposed Greenway Corridor
- Major Stream
- City Boundary

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Source: *City of Atlanta Comprehensive Development Plan 2005-2019*

CH2MHILL / williams-russell and johnson, inc. engineers • architects • planners

Figure 6-7

City of Atlanta Greenway Corridor Plan
City of Atlanta
Comprehensive Solid Waste Management Plan

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The Environmental Protection Agency (EPA) defines Environmental Justice as: *The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.* ***Fair treatment*** *means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.* ***Meaningful involvement*** *means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.*

In preparing this Plan, the City took into account Environmental Justice issues through the implementation of the Public Involvement Plan. The Public Involvement Plan was established to ensure broad participation from community groups and interested citizens. Public involvement meetings were held city-wide in an effort to obtain input from all interested parties and to ensure that all issues and concerns were registered, considered, and factored into the planning process. The City will work to incorporate Environmental Justice concerns in future solid waste management solutions and implementation of this plan. EPA has established the following four domains which focus on environmental justice policy and strategies. These parameters should be considered in future solid waste management solutions.

Knowing The Community

- Be aware of demographics of the community.
- Build relationships with community members in order to know their "story."
- Be aware of the environmental stressors within the community in order to determine the appropriateness of further sitings.

Decreasing Disproportionate Impacts

- Research and consider all environmental stressors.
- Assess cumulative impacts in the community (assessment of how all the stressors overlap and interact with community identity and demographics) and community vulnerability. For example, minority populations have the least resistance to negative health effects caused by air, water, and land toxics. In addition, minority populations have the least resources for dealing with health issues, and finally, minority populations are least likely to overcome health issues.

Meaningful Community Involvement

- Allow the community to participate in decision making early and often.
- Ensure that the community participates in all matters concerning them (large and small scale).
- Ensure that community input is evident in final decision making.

Increasing Benefits And Decreasing Burdens

- Always ask the question: Who benefits and who is burdened?
- Try to increase the benefits and decrease the burdens within EJ communities.

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6.4 Other Regulatory Requirements for Solid Waste Facility Siting

When siting and permitting a solid waste handling facility, the City will consider the extensive array of regulatory, land use, environmental, and construction requirements cited in previous sections. The City will also consider the following additional regulations:

- Site Selection, Public Notice, and Public Hearing Requirements: whenever any applicant begins a process to select a site for a solid waste disposal facility, DNR Rule 391-3-4-.05(1)(b) requires that the applicant comply with the public notice and public hearing requirements outlined in O.C.G.A. § 12-8-26. This section of the Georgia Code states that any municipality beginning the process to select a site for a municipal solid waste disposal facility must first call at least one public meeting to discuss waste management needs of the local government and to describe the process of siting facilities to the public. Public notice for the meeting should be published within the local newspaper at least once a week for 2 weeks prior to the date of the meeting. A similar public notice and public hearing are required to announce a siting decision for a municipal solid waste disposal facility. The public notice shall state the time, place, and purpose of the meeting. A siting decision shall include, but is not limited to, such activities as the final selection of property for landfilling and the execution of contracts or agreements pertaining to the location of municipal solid waste disposal facilities within the jurisdiction, but shall not include zoning decisions.

- Excessive Concentrations of Landfills: Under the Georgia Code (O.C.G.A § 12-8-25.4) The purpose of this section of the code is to provide a limited degree of protection against any given community becoming an involuntary host to an excessive concentration of landfills. No permit shall be issued for any solid waste handling facility other than a material recovery facility or compost facility or for any solid waste disposal facility other than a private industry solid waste disposal facility if any part of the premises would lie within a 2-mile radius of an area that already includes three or more landfills within the State of Georgia. Section 12-8-25.4 (c) (2) further describes landfill types that are excluded from this process, such as inert waste facilities and private industry solid waste disposal facilities. This section also defines the specific permit types, such as major modifications to existing landfills and horizontal expansions that trigger this review.

- Facilities Issues Negotiation Process: Under the Georgia Code (O.C.G.A. § 12-8-32), if conflicts arise in the solid waste facility permitting process, the applicant or affected parties can undertake the Facilities Issues Negotiation Process. This process allows for a negotiation process to be initiated if at least 25 affected persons sign a petition. A facilitator will be named by the host local government and paid for by the applicant. An advisory committee would be formed to discuss mediation of issues such as hours of operation, recycling measures, protection of property values, traffic routing, and maintenance. Additional detail is provided in Section 12-8-32 (a-s).

- Adjacent Jurisdictions: Under the Georgia Code (O.C.G.A § 12-8-25), local municipalities are encouraged to coordinate with adjacent jurisdictions when siting facilities within one-half mile of a shared municipal boundary; these boundaries are shown on Figure 6-8. Section 12-8-25 provides additional detail on exceptions and permit types which are exempt.

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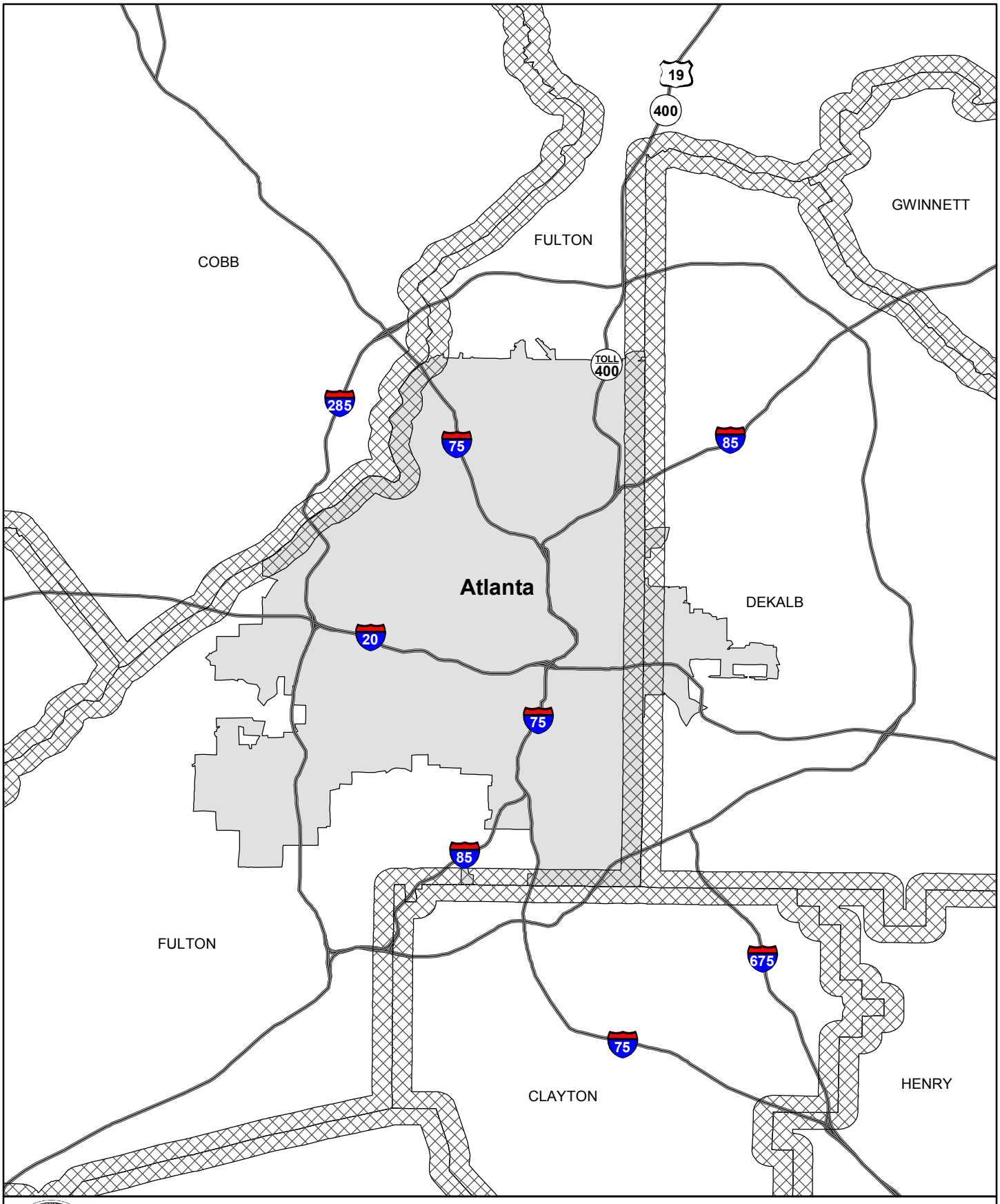

Figure 6-8
Adjacent Counties Half Mile Buffer
City of Atlanta
Comprehensive Solid Waste Management Plan

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- Private Recreational Camp: Under the Georgia Code (O.C.G.A § 12-8-25), no permit shall be issued for any new municipal solid waste disposal facility if any part of the premises proposed for permitting is within one mile of any private recreational camp that has been operated primarily for use by persons under 18 years of age and has been operated at its location for 25 years or more.

6.5 Procedures to Establish Consistency with Comprehensive SWMP (New Program)

In order for EPD to issue or renew a permit for a solid waste handling facility or facility expansion in the City of Atlanta, the facility must be consistent with this Comprehensive SWMP. In addition to the procedures outlined in the City of Atlanta solid waste permitting and zoning regulations, the City will also follow the siting process described below and shown in Figure 6-9.

1) City and Public Decide on Type of Disposal Technology

Based on input from the public and analysis of a variety of existing and alternative technologies, a decision on the type of solid waste technology will be made.

2) Site Analysis Using Land Limitation Criteria and Overlay maps

Once the City or a private entity has identified a solid waste technology, a siting analysis will be required to determine what sites would be sufficient to meet the needs of the technology as well as the land use limitation criteria described above in Sections 6.1, 6.2. and 6.4. Typical land limitation criteria include land use criteria such as zoning and environmental constraints that are regulated by state and federal laws such as wetlands, floodplains, groundwater recharge areas, water supply watersheds, and historic areas. Each of these land limitations will be mapped and then compiled into a composite overlay map of all the land limitation criteria present in the City.

3) Identify Candidate Sites

Areas that are not constrained by land limitations shown on the composite overlay map will be considered as possible siting alternatives. Once a series of candidate sites have been identified, a public involvement process will be conducted that allows for input on each proposed site. Additional issues will be evaluated at this time such as traffic impacts, vehicle access, topography, and social and economic issues such as environmental justice (see Section 6.3, Disproportionate Environmental Impacts) and economic viability.

4) Meet with Regulatory Agencies

After a series of candidate sites have been identified, the City will meet with the state regulatory agencies to ensure that the proposed sites comply with state requirements.

5) Public Information and Participation

Provide any final information to the public and provide additional opportunities for public meetings and involvement.

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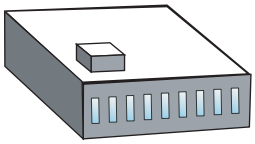
Siting Process

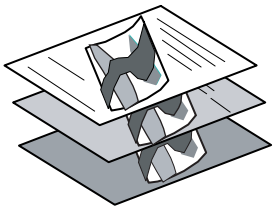
1

City and Public decides on type of disposal technology



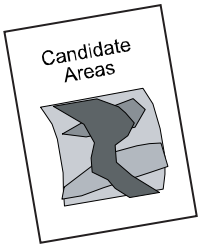
2

Site analysis using land limitation criteria and overlay maps



3

Identify candidate sites ← Public Involvement

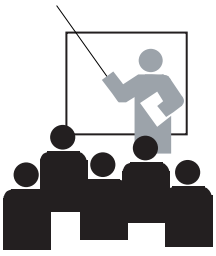


4

Meet with regulatory agencies

5

Public information and participation



6

City and Public work together on decision making

CH2MHILL / williams-russell and johnson, inc. engineers • architects • planners

Figure 6-9
Facility Siting Process
City of Atlanta
Comprehensive Solid Waste Management Plan

6) City and Public Work Together on Decision Making

The land use limitation criteria along with input from the public will be used to compare proposed sites and make a decision regarding a proposed site.

The six-step procedure described above will address the following state minimum planning criteria:

1) How the public will be involved and notified- In addition to the state minimum public hearing requirements and the City of Atlanta permitting and zoning requirements, the City will require an expanded community involvement process in which:

   - Citizens will have input in the facility selection process and the process of identifying community concerns
   - Community concerns will be identified and responded to in a timely manner
   - Community information and education activities will maximize public awareness

2) The anticipated impact the proposed facility will have upon current solid waste management facilities;

3) The anticipated impact the proposed facility will have upon adequate collection and disposal capability within the planning area; and

4) The effect the facility will have upon waste generated within the state achieving the States 25% per capita waste disposal reduction goal.

6.6 Needs and Goals

The City and State regulations regarding environmental limitations, land limitations, and environmental justice concerns will help to ensure that any proposed solid waste handling facility or expansions of existing facilities are sited in an area which is suitable for such development and compatible with the surrounding area. Through the adoption and implementation of the Solid Waste Ordinance (Ch. 130) and the Special Use Permit requirements for solid waste handling facilities in industrial zoning classifications, the City has addressed existing and future solid waste facility siting issues. No additional ordinances are required at this time. The Solid Waste Ordinance carries enforcement authority, and fines can be levied for violations.

Over time, the availability of sites suitable for solid waste handling facilities in the City of Atlanta will decline. Therefore, the City will need to manage the existing facilities wisely and protect large-scale industrial areas from encroachment by residential or community facilities, which are typically not compatible with solid waste handling facilities. As Atlanta continues to grow in population, and therefore, experience an increase in the amount of solid waste generated, the City will need to efficiently utilize the existing solid waste handling facilities, implement new technologies that will enhance environmental controls and capacities, and continue to implement recycling programs which help to achieve waste reduction goals. Solid waste disposal capacity and the potential need for newly sited solid waste handling facilities will be addressed in Section 5, Disposal Element.

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